



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Presentation by Amy Augustine, Environmental Planning Consultant, on the subject of designating the San Joaquin County Council of Governments as the implementing agency for the San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

MEETING DATE: May 1, 1996

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the San Joaquin County Council of Governments serve as the implementing entity for the San Joaquin County Multi-Species Habitat Conservation & Open Space Plan.

BACKGROUND INFORMATION: Over the past eighteen months, the City of Lodi has been participating in an effort to create a Habitat Management Plan for San Joaquin County. The purpose of the Plan is to preserve critical habitat in the County in order to maintain endangered plant and animal species. This would be accomplished by acquiring habitat land, either by outright purchase or by buying a conservation easement. The land would be maintained to provide a home and/or foraging habitat for a variety of wildlife species. Funding would come from a development fee charged on any undeveloped land being developed for nonagricultural uses. There would be a very specific set of maps and definitions explaining what is subject to payment of fees. The Plan is currently nearing completion and an economic analysis is being prepared. They will both be available for review by the City prior to any adoption process.

Amy Augustine, Consultant and Project Manager for the Habitat Plan, will make a brief presentation to the City Council regarding the Plan. She will also answer any questions the Council may have regarding the process or the content of the Plan.

Following Ms. Augustine's presentation, the City Council will consider whether to recommend the designation of an implementing entity for the Plan. The Policy Committee, which Phil Pennino chairs, has recommended that the San Joaquin County Board of Supervisors serve as the implementing entity and that they hire a "Land Manager" to administer the plan. The argument for this alternative was that the "Land Manager" could provide the technical and management expertise to run the program and handle the day to day operations. The Board of Supervisors would provide the policy direction and have political accountability. Additionally, the Board of Supervisors are an existing entity and would not require the creation of a new governmental body.

APPROVED: _____

H. Dixon Flynn
H. Dixon Flynn -- City Manager

Council Communication

May 1, 1996

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The argument against this approach would be that the Board may not represent the interest of the various cities. The cities would not have a direct vote on any policy issues nor would they have any control of the budget. Creation of a new body that includes both Board of Supervisors and City Council members might give cities a more direct voice in the Plan implementation.

Staff believes that the Council of Governments could be designated rather than the Board of Supervisors thereby giving local voice in the decision making process without creating a new layer of bureaucracy.

STAFF RECOMMENDATION: That the City Council authorize the City Manager to send the attached letter regarding the City's recommendation for the implementing entity to the Council of Governments.

FUNDING: None Required



Konradt Bartlam
Community Development Director

Prepared by David Moritmoto, Senior Planner

KB/DM/lw

Attachment

NCIL

P. WARNER, Mayor
J. A. PENNINO
Mayor Pro Tempore
W. G. DAVENPORT
STEPHEN J. MANN
JACK A. SIEGLOCK



CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6711
FAX (209) 333-6842

H. DIXON FLYNN
City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

March 28, 1996

Ms. Amy L. Augustine
San Joaquin County Council of Governments
P.O. Box 1010
Stockton, CA 95201-1010

Dear Ms. Augustine:

The Lodi City Council has reviewed the various alternatives regarding the make up of the implementing entity for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan and recommends that the San Joaquin County Council of Governments serve as that agency with a Technical Advisory Committee and Land Manager.

Our position is based on the belief that the body charged with implementation should have accountability at the County as well as City level. While alternatives were suggested that are similar to our recommended approach, we feel that using the existing Council of Governments would not provide for another layer of bureaucracy, but rather utilize the existing organization.

If you have any questions regarding our recommendation, please call Konradt Bartlam, Community Development Director at 333-6711.

Sincerely,

H. Dixon Flynn
City Manager

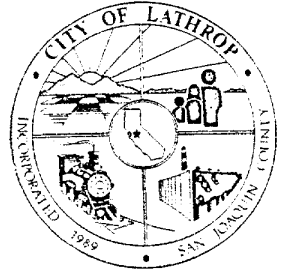
HDF/KB/lw

cc: Konradt Bartlam, Community Development Director

*Community
Development
Department*

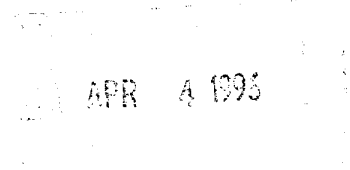
City of Lathrop

16775 Howland Road - Suite One
Lathrop, California 95330
(209) 858-2860
Fax (209) 858-5259



*Planning Division
(209) 858-2860
Extension 327*

April 3, 1996



Ms. Amy L. Augustine
San Joaquin County Council
of Governments
Post Office Box 1010
Stockton, CA 95201-1010

Subject: Implementing Agency for the San Joaquin County Multi-Species Habitat
Conservation and Open Space Plan (Habitat Plan)

Dear Amy:

At its regular meeting of April 2, 1996 the Lathrop City Council reviewed the letter you addressed to John Bingham and directed staff to respond as follows:

- The City of Lathrop agrees with designating the Board of Supervisors as the Board of Directors to implement the HCP with the help of a Land Manager. No other persons or groups should be represented on the Board of Directors.
- A requirement should be placed in the Plan, or other document as appropriate, that would require that the Land Manager and Board of Directors implement the plan in an expeditious manner so that implementation of the plan shall not unduly delay development. Further, if they fail to do so, they should be removed and replaced.

The last bullet is intended to prevent the Board from deciding, on its own, that they choose not to implement the plan. This is the only possible drawback that the City of Lathrop can envision in having the Board of Supervisors serve as the Board of Directors. Rather than adding members to the Board, we suggest that some rules, including the above, be mandatory for the Board. If you have any questions, please feel free to give me a call.

Sincerely,

Pamela R. Carder
Community Development Director



CITY OF MANTECA

ADMINISTRATION

April 2, 1996

Mr. Barton Meays
Executive Director
San Joaquin County Council of Governments
P. O. Box 1010
Stockton, CA 95202

Re: Designation of the Habitat Plan Implementing Entity


Dear Mr. Meays:

At its April 1, 1996 meeting, the Manteca City Council endorsed the concept of designating the San Joaquin County Council of Governments as the Habitat Plan Implementing Entity.

Although some recent discussions have focused on designating the County Board of Supervisors as the implementing entity, the Council believed that COG would provide better representation to the affected agencies, since it is already comprised of representatives from the County and the cities.

I appreciate the opportunity to provide some thoughts on this matter. If you have any questions or need further clarification, please do not hesitate to contact me.

Sincerely,


LETICIA ESPINOZA
Acting City Manager

c: Mayor and Council
Deputy Director of Planning and Development Services
City Clerk



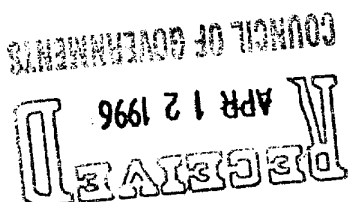
CITY OF TRACY

City Manager's Office

325 East Tenth Street
Tracy, CA 95376

Telephone: (209) 831-4100
Fax: (209) 831-4110

April 10, 1996



Amy L. Augustine
Project Manager
San Joaquin County Council of Governments
P.O. Box 1010
Stockton, CA 95201-1010

Re: Implementing Entity for the San Joaquin County Multi-Species Habitat
Conservation and Open Space Plan (Habitat Plan)

Dear Ms. Augustine:

In response to your letter dated March 7, 1996, the Tracy City Council adopted Resolution 96-108 on April 2, 1996, recommending that the Council of Governments serve as the implementing body for the above mentioned Plan and responding "No" to each of the questions listed "A," "B" and "C" in the letter. A copy of the Resolution is enclosed.

The City disagreed with the recommendation that the County Board of Supervisors serve as the implementing entity since the County is just one entity collecting habitat mitigation fees and does not include representation from each of the other collecting entities. Nor did the City recommend the creation of another special board or committee to carry out the Plan. The City feels that in order to ensure representation of all local governments in the region the Council of Governments should serve as the implementing body.

Sincerely,

Susan K. Thorpe
Assistant City Manager

Enclosure

cc: Bart Meays, COG

4-041096.03C

RESOLUTION 96-108

RECOMMENDING THAT THE SAN JOAQUIN COUNTY COUNCIL OF GOVERNMENTS
SERVE AS IMPLEMENTING ENTITY FOR THE MULTI-SPECIES HABITAT
CONSERVATION AND OPEN SPACE PLAN

WHEREAS, the Multi-Species Habitat Conservation and Open Space Plan (Habitat Plan) has been adopted by the San Joaquin County Council of Governments, and the next step in the process is to identify an appropriate entity to serve as the Habitat Plan implementing authority; and

WHEREAS, the COG has asked each City Council to pass a resolution indicating its recommendation as to the implementing authority; and

WHEREAS, a Habitat Policy Advisory Committee was formed to look at alternatives for implementation and has recommended that the County Board of Supervisors serve as the implementing entity; and

WHEREAS, City staff do not agree with this recommendation, as the County is just one of the entities collecting the habitat mitigation fee and does not include representation from each of the other collecting entities (cities), and staff also do not recommend the creation of another special board or committee to carry out the Plan; and

WHEREAS, staff recommends that the Council of Governments itself serve as the implementing body, to ensure representation of all local governments in the region, and further recommends that the City respond with a "No" to the three questions (A, B, and C) posed in the attached letter.

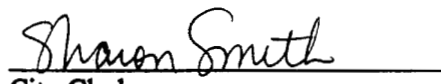
NOW, THEREFORE, BE IT RESOLVED by the Tracy City Council that the Council recommends that the San Joaquin County Council of Governments be the implementing entity for the Habitat Plan, and that the City responds "No" to questions A, B, and C in the attached letter.

The foregoing Resolution, 96-108 is hereby passed and adopted by the Tracy City Council on the 2nd day of April, 1996, by the following vote:

AYES:	COUNCIL MEMBERS:	MATTHEWS, SERPA, STROUP, BILBREY
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	IVES
ABSTAIN:	COUNCIL MEMBERS:	NONE


Mayor

ATTEST:


City Clerk
c:\cmo\habtreso.wpd

DEPARTMENT OF FISH AND GAME

REGION 2

1701 NIMBUS ROAD, SUITE A

RANCHO CORDOVA, CALIFORNIA 95670

(916) 358-2900



RECEIVED
APR 4 1996
CALIFORNIA DEPARTMENT OF FISH AND GAME

April 2, 1996

Ms. Amy L. Augustine
San Joaquin Council of Governments
Post Office Box 1010
Stockton, California 95201-1010

Dear Ms. Augustine:

The Department of Fish and Game (DFG) has received your request for input regarding the implementing entity for the San Joaquin Habitat Conservation Plan (HCP).

Specifically:

- a. We would not object to the creation of a committee acting in an advisory capacity to the Board of Supervisors. We recommend that the advisory committee include broad representation drawn from the areas that are signatory to the HCP.
- b. We would not object to the inclusion of representatives from the cities, provided that they are signatory to the HCP. We do however, recommend that Caltrans not be included due to their State lead agency status.
- c. The implementing entity may include stakeholders. We recommend that stakeholder members be drawn from a broad cross section and represent interests that are affected by the HCP.


We recommend that the implementing entity be composed of elected officials drawn from areas that are signatories to the HCP. The San Joaquin Board of Supervisors would certainly fit this description. Representatives from cities that are signatories to the HCP would also be acceptable.

Ms. Amy L. Augustine
April 2, 1996
Page Two

Thank you for the opportunity to review this project. If the DFG can be of further assistance, please contact Mr. Dan Gifford, Associate Wildlife Biologist, telephone (209) 369-8851 or Mr. Bob Mapes, Senior Biologist, telephone (916) 358-2883.

Sincerely,



 L. Ryan Broddrick
Regional Manager

cc. Mr. Dan Gifford
Mr. Dave Zezulak
Department of Fish and Game
Rancho Cordova, California